

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE LEE CROSS JR.,

Defendant.

4:17CR3053

ORDER

Defendant has moved to remove this case from the trial docket and set it for a status conference. (Filing No. 33). The motion to continue is unopposed. Based on the representations of counsel, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion (filing no. 33), is granted. This case is removed from the trial docket at the request of the parties.
- 2) Defendant's status hearing will be held before the undersigned magistrate judge on November 3, 2017 at 9:30 a.m. Defendant is ordered to appear at this hearing.
- 3) The Court further finds that the time between today's date and November 3, 2017, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to object to this order as provided under the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

October 19, 2017.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge